

Opportunity for Public Comment on Retrospective Review of CARB Administrative Regulations Per Executive Order S-2-03

The Air Resources Board is conducting a retrospective review of all [regulations](#) adopted, amended or repealed by the ARB since January 6, 1999, as required by the Governor's Executive Order S-2-03. As stated in the Executive Order, this retrospective review must address:

1. The impact of each rule on California businesses;
2. The authority for the adopted, amended or repealed regulations; and
3. Conformity with statutory criteria for necessity, authority, clarity, consistency, reference and nonduplication.

Public comments on this review are welcome and should address the specific criteria described above. Please direct such comments to Ms. Diane Johnston, General Counsel, at regreview@arb.ca.gov. The deadline for public comments on the retrospective rule review is January 30, 2004.

The ARB is conducting an identical review for regulations approved by its Governing Board but not yet final. This category contains mostly rulemakings undertaken in the latter half of 2003. For some of these rules, 15-day changes are still pending and there will be a future opportunity for public comment. In those cases, we request that any comments prompted by Executive Order S-2-03 be submitted at the time that public comment is reopened. For all other pending rulemakings, please address your comments to Ms. Diane Johnston at the address above. The latter comments will not be part of the public record for individual rules, but will be used to assess whether any adjustments to the near-final rulemakings are warranted.

Finally, the ARB's Governing Board held public hearings and took public testimony on four new regulatory items in November and December of last year, but deferred final action pending approval to proceed by the Department of Finance. That approval was granted on December 10, 2003. Accordingly, the ARB intends to reschedule the four open rulemakings for consideration by the Board at its February 26-27, 2004, public hearing. The public comment period is still open for all four of these rulemakings and comments pertinent to Executive Order S-2-03 are welcome. The four open rulemakings are:

1. Airborne Toxic Control Measure for Stationary Diesel Engines
2. Heavy-Duty Diesel Engine Software Upgrade ("Chip Reflash")
3. Airborne Toxic Control Measure for Transportation Refrigeration Units
4. Diesel Retrofit Verification Procedures.

Public hearing notices issued for the first time after November 17, 2003, are not subject to Executive Order S-2-03. However, it is ARB's intent to comply fully with the spirit of the Executive Order when considering all future regulations. Specifically, the ARB intends to assure strict compliance with all statutory requirements applicable to state agency rulemakings, and to thoroughly examine the potential impacts of proposed rules on the California business community. The ARB will also continue to conduct its customary analyses of all air quality, public health, and economic benefits that may derive from proposed regulations.